

Mayor William Budesheim presiding.

PUBLIC PARTICIPATION NO. 1:

ALL IN FAVOR.

ORDINANCE 06-2008

ALL IN FAVOR.

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 43-A

ORDINANCES (continued):

2)

ORDINANCE 05-2008**ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING
CERTAIN PROVISIONS APPLICABLE TO THE “MF-O MULTIFAMILY
OVERLAY DISTRICT”**

Mayor Budesheim stated that there was some confusion regarding this ordinance so he obtained additional information. He prepared a chart to explain exactly where we stand with the number of school children. He said the lack of age-restricted housing in the borough was the larger issue. According to our Tax Assessor there were nine units for sale at Powder Mill in March, most had been on the market for six months, and several were listed for less than assessed value. Mayor Budesheim stated there is a pattern of declining sales at Powder Mill and he believes there is not a market for age-restricted housing. The bank will finance the proposed market units on Riverdale Road and will not finance the age-restricted units.

Councilman Falkoski stated that the real estate market fluctuates. He said the applicant went to the Planning Board to seek a variance and it looks as though we are interfering with that process. He said that it appears that we are usurping the authority of that board and it feels a little bit unethical to him. Mayor Budesheim stated that he's had almost unanimous members on that board tell him they do not like TCR and they will vote against them. He also said people on this council have said they don't like the applicant and they voted against him and you have no right to do that. Councilman Astarita stated that it's not that we don't like him; it's that in past dealings with him he's lost credibility; he presents his plan one way and for some reason or another, as things develop, he comes back and wants something different. Councilman Guis stated the only substantial change was The Grande was to be half rental and half condo and it went to all condo. He said there are always site plan issues between preliminary and final. Mayor Budesheim stated we have no right to tell someone you can invest in a project and force him to sell to a market he doesn't want to sell to. He asked how this ordinance would hurt the town. Councilman Falkoski stated removing the age-restriction will generate more school children and increase the COAH requirement. Mayor Budesheim and Councilman Guis did not agree. Councilwoman Bush asked about the procedure if the ordinance is approved and goes to the Planning Board.

Borough Attorney Oostdyk explained the procedure. Specific to this site, the Planning Board right now has an application to treat this as a variance because it does not conform to the zoning ordinance. If the zoning ordinance is changed, there will no longer be a need for a variance, but they will still have make application to the board because they are changing their approved site plan. When the Planning Board is reviewing a variance, they are looking for the proofs the applicant put forward to justify the deviation from the ordinance. That won't be necessary if the Planning Board is just reviewing a modification to the site plan. It will be hard for them to deny an application if the ordinance has been changed. He explained that amending an ordinance should be looked at more broadly relative to the needs of the community and it is not unique to this applicant.

Councilman Guis stated this ordinance is for an overlay zone to encourage redevelopment in that industrial area and it affects just that parcel of land. It has become a problem for the municipality because there are a tremendous number of vacant lots. In order for that area to be a viable ratable for us it has to have a market. He said he believes that the ratable coming in and the redevelopment of the largest eyesore in town will more than compensate for the 21 additional students it would generate.

ORDINANCES (continued):

Mayor Budesheim stated that it is the Council's prerogative to change the ordinance. Councilman Falkoski stated that we should not interfere with the process of the Planning Board. If they reject the variance and we still want to change the ordinance we have that option. Mayor Budesheim stated that amending the ordinance was his idea due to feedback from board members and to remove the COAH regulations.

Councilman Carelli stated that he researched the sale of condo units at Powder Mill. Three weeks ago there were 4 units listed for sale and there were 34 at The Grande and 6 at Rock Creek. He said the market is slow and it's not accurate to draw the conclusion that units aren't selling because they are age-restricted. He stated that the applicant has approvals to build and he doesn't dislike the man. He believes it is in the best interest of the residents of Riverdale in the long run to have more age-restricted units. The ordinance is something you create with some vision and not with a time limit. If this applicant doesn't build it, someone else will. Councilman Guis stated that the applicant has all of the DEP permits which will expire in 2010 or 2011 and he won't get them again because there is a 300 foot buffer on the river now. Councilman Falkoski stated that his feeling is that it is not ethical to interfere with the process. Mayor Budesheim stated the Council sets the policy and it is very much appropriate.

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Guis to introduce the above ordinance and moved its adoption.

ROLL CALL: **Ayes:** **Bush, Guis**
 Nays: **Astarita, Falkoski, Wetzel, Carelli**
 (2 ayes – 4 nays – motion denied)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 45-B

- 3) Councilman Falkoski set forth the motion, seconded by Councilman Guis, to introduce the following ordinance and moved its adoption.

ORDINANCE 07-2008**ORDINANCE AMENDING CHAPTER 95 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FEES FOR USE OF POLICE SERVICES BY OUTSIDE CONTRACTORS**

ROLL CALL: **Ayes:** **Astarita, Bush, Falkoski, Guis, Wetzel, Carelli**
 Nays: **None**
 (6 ayes – 0 nays – motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 45-C**MAYOR REPORT:**

Mayor Budesheim reported that the Tax Assessor has advised that we will have a \$30,000,000 tax appeal next year. He reported on a problem with the garbage dumpster at The Grande over the holiday weekend. He also reported that rocks are coming down at the Enclave. Borough Engineer Darmofalski reported on the status of the connector road. All plans and bonding are approved. He also said that bond reduction requests have been received by Horton and Target. Councilman Guis reported on a water hammer condition in the water lines at the Horton project that should be considered.

BOROUGH CLERK'S REPORT:

Borough Clerk Talerico reported that a resident at 115 Newberry Place complained about puddling in the street in front of his driveway. Borough Engineer Darmofalski will contact him regarding the problem. Clerk Talerico also reported the liquor license renewals will be on the next agenda.

BOROUGH ENGINEER REPORT:

Borough Engineer Darmofalski reported on the Mathews Avenue intersection.

COMMITTEE REPORTS:

Councilman Falkoski reported that the Fire Chief has made a request to purchase a specialized computer for the Assistant Fire Chief's vehicle at a cost of \$5,100. He will obtain more information.

Councilman Astarita reported he is meeting with Albert Rochetti and the contractors for the youth center tomorrow.

PUBLIC PARTICIPATION NO. 2:

There being no comments, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to close the public session.

ALL IN FAVOR.

ADJOURNMENT:

Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to adjourn the meeting.

ALL IN FAVOR.

Adjourned: 8:40 p.m.

Respectfully Submitted:

Carol J. Talerico, R.M.C.
Municipal Clerk